

(B) the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives.

(2) CTPAT.—The term “CTPAT” means the Customs Trade Partnership Against Terrorism established under subtitle B of title II of the Security and Accountability for Every Port Act (6 U.S.C. 961 et seq.).

SEC. 1073. PILOT PROGRAM ON PARTICIPATION OF THIRD-PARTY LOGISTICS PROVIDERS IN CTPAT.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Homeland Security shall carry out a pilot program to assess whether allowing entities described in subsection (b) to participate in CTPAT would enhance port security, combat terrorism, prevent supply chain security breaches, or otherwise meet the goals of CTPAT.

(2) FEDERAL REGISTER NOTICE.—Not later than one year after the date of the enactment of this Act, the Secretary shall publish in the Federal Register a notice specifying the requirements for the pilot program required by paragraph (1).

(b) ENTITIES DESCRIBED.—An entity described in this subsection is—

(1) a non-asset-based third-party logistics provider that—

(A) arranges international transportation of freight and is licensed by the Department of Transportation; and

(B) meets such other requirements as the Secretary specifies in the Federal Register notice required by subsection (a)(2); or

(2) an asset-based third-party logistics provider that—

(A) facilitates cross border activity and is licensed or bonded by the Federal Maritime Commission, the Transportation Security Administration, U.S. Customs and Border Protection, or the Department of Transportation; and

(B) manages and executes logistics services using its own warehousing assets and resources on behalf of its customers; and

(C) meets such other requirements as the Secretary specifies in the Federal Register notice required by subsection (a)(2).

(c) REQUIREMENTS.—In carrying out the pilot program required by subsection (a)(1), the Secretary shall—

(1) ensure that—

(A) not more than 10 entities described in paragraph (1) of subsection (b) participate in the pilot program; and

(B) not more than 10 entities described in paragraph (2) of that subsection participate in the program;

(2) provide for the participation of those entities on a voluntary basis;

(3) continue the program for a period of not less than one year after the date on which the Secretary publishes the Federal Register notice required by subsection (a)(2); and

(4) terminate the pilot program not more than 5 years after that date.

(d) REPORT REQUIRED.—Not later than 180 days after the termination of the pilot program under subsection (c)(4), the Secretary shall submit to the appropriate congressional committees a report on the findings of, and any recommendations arising from, the pilot program concerning the participation in CTPAT of entities described in subsection (b), including an assessment of participation by those entities.

SEC. 1074. REPORT ON EFFECTIVENESS OF CTPAT.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report assessing the effectiveness of CTPAT.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An analysis of—

(A) security incidents in the cargo supply chain during the 5-year period preceding submission of the report that involved criminal activity, including drug trafficking, human smuggling, commercial fraud, or terrorist activity; and

(B) whether those incidents involved participants in CTPAT or entities not participating in CTPAT.

(2) An analysis of causes for the suspension or removal of entities from participating in CTPAT as a result of security incidents during that 5-year period.

(3) An analysis of the number of active CTPAT participants involved in one or more security incidents while maintaining their status as participants.

(4) Recommendations to the Commissioner of U.S. Customs and Border Protection for improvements to CTPAT to improve prevention of security incidents in the cargo supply chain involving participants in CTPAT.

SA 4847. Ms. CANTWELL (for herself and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 3867 proposed by Mr. REED to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike title XXXV and insert the following:

TITLE XXXV—MARITIME MATTERS
Subtitle A—Maritime Administration

SEC. 3501. AUTHORIZATION OF THE MARITIME ADMINISTRATION.

There are authorized to be appropriated to the Department of Transportation for fiscal year 2022, for programs associated with maintaining the United States Merchant Marine, the following amounts:

(1) For expenses necessary to support the United States Merchant Marine Academy, \$90,532,000, of which—

(A) \$85,032,000, to remain available until September 30, 2023, shall be for Academy operations; and

(B) \$5,500,000, to remain available until expended, shall be for facilities maintenance and repair and equipment.

(2) For expenses necessary for operations, support, and training activities for the State maritime academies, \$50,780,000, of which—

(A) \$2,400,000, to remain available until September 30, 2026, shall be for the Student Incentive Program;

(B) \$6,000,000, to remain available until September 30, 2023, shall be for direct payments for State maritime academies;

(C) \$3,800,000, to remain available until expended, shall be for training ship fuel assistance;

(D) \$8,080,000, to remain available until expended, shall be for offsetting the costs of training ship sharing; and

(E) \$30,500,000, to remain available until expended, shall be for maintenance and repair, of State maritime academy training vessels.

(3) For expenses necessary to support the National Security Multi-Mission Vessel Program, \$315,600,000, which shall remain available until expended.

(4) For expenses necessary to support Maritime Administration operations and programs, \$81,853,000, of which—

(A) \$10,000,000, to remain available until expended, shall be for the Maritime Environmental and Technical Assistance program

authorized under section 50307 of title 46, United States Code;

(B) \$11,000,000, to remain available until expended, shall be for the Marine Highways Program, including to make grants as authorized under section 55601 of title 46, United States Code; and

(C) \$60,853,000, to remain available until September 30, 2022, shall be for headquarters operations expenses.

(5) For expenses necessary for the disposal of vessels in the National Defense Reserve Fleet of the Maritime Administration, \$10,000,000, which shall remain available until expended.

(6) For expenses necessary to maintain and preserve a United States-flag merchant fleet to serve the national security needs of the United States, as authorized under chapter 531 of title 46, United States Code, \$318,000,000, which shall remain available until expended.

(7) For expenses necessary for the loan guarantee program authorized under chapter 537 of title 46, United States Code, \$33,000,000, of which—

(A) \$30,000,000, to remain available until expended, shall be for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program; and

(B) \$3,000,000, to remain available until expended, may be used for administrative expenses relating to loan guarantee commitments under the program.

(8) For expenses necessary to provide for the Tanker Security Fleet, as authorized under chapter 534 of title 46, United States Code, \$60,000,000, which shall remain available until expended.

(9) For expenses necessary to provide assistance to small shipyards and for maritime training programs authorized under section 54101 of title 46, United States Code, \$40,000,000, which shall remain available until expended.

(10) For expenses necessary to implement the Port and Intermodal Improvement Program, \$750,000,000, to remain available until expended, except that no such funds may be used to provide a grant to purchase fully automated cargo handling equipment that is remotely operated or remotely monitored with or without the exercise of human intervention or control, if the Secretary determines such equipment would result in a net loss of jobs within a port of port terminal.

Subtitle B—Other Matters

SEC. 3511. EXPANDING THE MARITIME ENVIRONMENTAL AND TECHNICAL ASSISTANCE PROGRAM.

(a) MARITIME ENVIRONMENTAL AND TECHNICAL ASSISTANCE PROGRAM.—From the amount appropriated under section 3501(1)(A), not more than 60 percent shall be reserved for activities related to technologies that support port and vessel air emissions reductions and to support zero emissions technologies, including identification of new fuel or other power sources.

(b) USES.—Section 50307 of title 46, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

“(e) USES.—The results of activities conducted under subsection (b)(1) shall be used to inform the policy decisions of the United States related to domestic regulations and to the United States position on matters before the International Maritime Organization.”.

SEC. 3512. SUSTAINABLE PORT INFRASTRUCTURE.

(a) SHORT TITLE.—This section may be cited as the “Sustainable Port Infrastructure Act”.

(b) PORT DEVELOPMENT.—Section 50302(c) of title 46, United States Code, is amended—

(1) in paragraph (3)(A)(ii)—

(A) in subclause (II), by striking “or” after the semicolon; and

(B) by adding at the end the following:

“(IV) projects that improve the resiliency of ports to address sea-level rise, flooding, extreme weather events, including earthquakes, hurricanes and tsunami inundation, including projects for—

“(aa) port electrification or electrification master planning;

“(bb) harbor craft or equipment replacements/retrofits;

“(cc) development of port or terminal micro-grids;

“(dd) providing idling reduction infrastructure;

“(ee) purchase of cargo handling equipment and related infrastructure;

“(ff) worker training to support electrification technology;

“(gg) installation of port bunkering facilities from ocean-going vessels for fuels;

“(hh) electric vehicle charge or hydrogen refueling infrastructure for drayage, and medium or heavy duty trucks and locomotives that service the port and related grid upgrades; or

“(ii) other related to port activities including charging infrastructure, electric rubber-tired gantry cranes, and anti-idling technologies; or”;

(2) in paragraph (7)(B), by striking “18 percent” and inserting “25 percent”; and

(3) in paragraph (10)—

(A) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(B) by inserting after subparagraph (A) the following:

“(B) EFFICIENT USE OF NON-FEDERAL FUNDS.—

“(i) IN GENERAL.—Notwithstanding any other provision of law and subject to approval by the Secretary, in the case of any grant for a project under this section, during the period beginning on the date on which the grant recipient is selected and ending on the date on which the grant agreement is signed—

“(I) the grant recipient may obligate and expend non-Federal funds with respect to the project for which the grant is provided; and

“(II) any non-Federal funds obligated or expended in accordance with subclause (I) shall be credited toward the non-Federal cost share for the project for which the grant is provided.

“(ii) REQUIREMENTS.—

“(I) APPLICATION.—In order to obligate and expend non-Federal funds under clause (i), the grant recipient shall submit to the Secretary a request to obligate and expend non-Federal funds under that clause, including—

“(aa) a description of the activities the grant recipient intends to fund;

“(bb) a justification for advancing the activities described in item (aa), including an assessment of the effects to the project scope, schedule, and budget if the request is not approved; and

“(cc) the level of risk of the activities described in item (aa).

“(II) APPROVAL.—The Secretary shall approve or disapprove each request submitted under subclause (I).

“(III) COMPLIANCE WITH APPLICABLE REQUIREMENTS.—Any non-Federal funds obligated or expended under clause (i) shall comply with all applicable requirements, including any requirements included in the grant agreement.

“(iii) EFFECT.—The obligation or expenditure of any non-Federal funds in accordance with this subparagraph shall not—

“(I) affect the signing of a grant agreement or other applicable grant procedures with respect to the applicable grant;

“(II) create an obligation on the part of the Federal Government to repay any non-Federal funds if the grant agreement is not signed; or

“(III) affect the ability of the recipient of the grant to obligate or expend non-Federal funds to meet the non-Federal cost share for the project for which the grant is provided after the period described in clause (i).”.

SEC. 3513. ELIJAH CUMMINGS SHIP AMERICAN ACT.

(a) REPEAL IN MAP-21.—Section 100124 of the Moving Ahead for Progress in the 21st Century Act (Public Law 112-141) is repealed, and the provisions of law that were repealed or amended by that section are reenacted and amended, respectively, to read as if such section were not enacted.

(b) REPEAL IN BIPARTISAN BUDGET ACT OF 2013.—Section 602 of the Bipartisan Budget Act of 2013 (Public Law 113-67) is repealed, and the provisions of law that were repealed or amended by that section are reenacted and amended, respectively, to read as if such section were not enacted.

(c) TRANSPORTATION REQUIREMENTS FOR CERTAIN EXPORTS SPONSORED BY THE SECRETARY OF AGRICULTURE.—Subsection (a)(1) of section 55314 of title 46, United States Code, as reenacted by this section, is amended by striking “25 percent” and inserting “75 percent”.

(d) FINANCING THE TRANSPORTATION OF AGRICULTURAL COMMODITIES.—Section 55316(a) of title 46, United States Code, as reenacted by this section, is amended by inserting “or from the application of section 55305 of this title, requiring transportation on privately-owned commercial vessels of the United States for 100 percent of the gross tonnage of certain equipment, materials, or commodities” before the period.

(e) CARGOES PROCURED, FURNISHED, OR FINANCED BY THE UNITED STATES GOVERNMENT.—Section 55305(b) of title 46, United States Code, is amended by striking “50” and inserting “75”.

SEC. 3514. SENSE OF CONGRESS ON THE UNITED STATES MERCHANT MARINE.

It is the sense of Congress that the United States Merchant Marine is a critical part of the United States’ national infrastructure, and the men and women of the United States Merchant Marine are essential workers.

SEC. 3515. ENSURING DIVERSE MARINER RECRUITMENT.

Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall develop and deliver to Congress a strategy to assist State maritime academies and the United States Merchant Marine Academy to improve the representation of women and underrepresented communities in the next generation of the mariner workforce, including—

(1) Black or African American;

(2) Hispanic or Latino;

(3) Asian;

(4) American Indians, Alaska Native, or Native Hawaiians; or

(5) Pacific Islander.

SEC. 3516. MARITIME TECHNOLOGICAL ADVANCEMENT ACT OF 2021.

(a) SHORT TITLE.—This section may be cited as the “Maritime Technological Advancement Act of 2021”.

(b) CENTERS OF EXCELLENCE FOR DOMESTIC MARITIME WORKFORCE.—Section 51706 of title 46, United States Code, is amended—

(1) in subsection (a), by striking “of Transportation”;

(2) in subsection (b), in the subsection heading, by striking “Assistance” and inserting “Cooperative Agreements”;

(3) by redesignating subsection (c) as subsection (d);

(4) in subsection (d), as redesignated by paragraph (2), by adding at the end the following:

“(3) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.”; and

(5) by inserting after subsection (b) the following:

“(c) GRANT PROGRAM.—

“(1) DEFINITIONS.—In this subsection:

“(A) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Maritime Administration.

“(B) ELIGIBLE INSTITUTION.—The term ‘eligible institution’ means an institution that has a demonstrated record of success in training and is—

“(i) a postsecondary educational institution (as such term is defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)) that offers a 2-year program of study or a 1-year program of training;

“(ii) a postsecondary vocational institution, as defined under title 600.6 of title 34, Code of Federal Regulations, or similar successor regulation; or

“(iii) another structured experiential learning training program for American workers in the United States maritime industry, including a program offered by a labor organization or conducted in partnerships with a nonprofit organization or 1 or more employers in the maritime industry.

“(C) UNITED STATES MARITIME INDUSTRY.—The term ‘United States maritime industry’ means all segments of the maritime-related transportation system of the United States, both in domestic and foreign trade, and in coastal, offshore, and inland waters, as well as non-commercial maritime activities, such as pleasure boating and marine sciences (including all scientific research vessels), and all of the industries that support or depend upon such uses, including vessel construction and repair, vessel operations, ship logistics supply, berthing, port operations, port intermodal operations, marine terminal operations, vessel design, marine brokerage, marine insurance, marine financing, chartering, maritime-oriented supply chain operations, offshore industry, offshore wind, and maritime-oriented research and development.

“(2) GRANT AUTHORIZATION.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Administrator may award maritime career training grants to eligible institutions for the purpose of developing, offering, or improving educational or career training programs for workers in the United States related to the maritime workforce.

“(B) GUIDELINES.—Not later than 1 year after the date of enactment of this section, the Administrator shall—

“(i) promulgate guidelines for the submission of grant proposals under this subsection; and

“(ii) publish and maintain such guidelines on the website of the Maritime Administration.

“(3) LIMITATIONS.—The Administrator may not award a grant under this subsection in an amount that is more than \$12,000,000.

“(4) REQUIRED INFORMATION.—

“(A) IN GENERAL.—An eligible institution that desires to receive a grant under this subsection shall submit to the Administrator a grant proposal that includes a detailed description of—

“(i) the specific project for which the grant proposal is submitted, including the manner in which the grant will be used to develop, offer, or improve an educational or career

training program that is suited to maritime industry workers;

“(ii) the extent to which the project for which the grant proposal is submitted will meet the educational or career training needs of maritime workers in the community served by the eligible institution, particularly any individuals with a barrier to employment;

“(iii) the extent to which the project for which the grant proposal is submitted fits within any overall strategic plan developed by an eligible community; and

“(iv) a description of the previous experience of the eligible institution in providing maritime educational or career training programs.

“(B) COMMUNITY OUTREACH REQUIRED.—In order to be considered by the Administrator, a grant proposal submitted by an eligible institution under this subsection shall—

“(i) demonstrate that the eligible institution—

“(I) reached out to employers to identify—

“(aa) any shortcomings in existing maritime educational and career training opportunities available to workers in the community; and

“(bb) any future employment opportunities within the community and the educational and career training skills required for workers to meet the future maritime employment demand; and

“(II) reached out to other similarly situated entities in an effort to benefit from any best practices that may be shared with respect to providing maritime educational or career training programs to workers eligible for training; and

“(ii) include a detailed description of—

“(I) the extent and outcome of the outreach conducted under clause (i);

“(II) the extent to which the project for which the grant proposal is submitted will contribute to meeting any shortcomings identified under clause (i)(I)(aa) or any maritime educational or career training needs identified under clause (i)(I)(bb); and

“(III) the extent to which employers, including small- and medium-sized firms within the community, have demonstrated a commitment to employing workers who would benefit from the project for which the grant proposal is submitted.

“(5) CRITERIA FOR AWARD OF GRANTS.—

“(A) IN GENERAL.—Subject to the appropriation of funds, the Administrator shall award a grant under this subsection based on—

“(i) a determination of the merits of the grant proposal submitted by the eligible institution to develop, offer, or improve maritime educational or career training programs to be made available to workers;

“(ii) an evaluation of the likely employment opportunities available to workers who complete a maritime educational or career training program that the eligible institution proposes to develop, offer, or improve;

“(iii) an evaluation of prior demand for training programs by workers in the community served by the eligible institution, as well as the availability and capacity of existing maritime training programs to meet future demand for training programs;

“(iv) any prior designation of an institution as a Center of Excellence for Domestic Maritime Workforce Training and Education; and

“(v) an evaluation of the previous experience of the eligible institution in providing maritime educational or career training programs.

“(B) MATCHING REQUIREMENTS.—A grant awarded under this subsection may not be used to satisfy any private matching requirement under any other provision of law.

“(6) COMPETITIVE AWARDS.—

“(A) IN GENERAL.—The Administrator shall award grants under this subsection to eligible institutions on a competitive basis in accordance with guidelines and requirements established by the Administrator under paragraph (2)(B).

“(B) TIMING OF GRANT NOTICE.—The Administrator shall post a Notice of Funding Opportunity regarding grants awarded under this subsection not more than 90 days after the date of enactment of the appropriations Act for the fiscal year concerned.

“(C) TIMING OF GRANTS.—The Administrator shall award grants under this subsection not later than 270 days after the date of the enactment of the appropriations Act for the fiscal year concerned.

“(D) APPLICATION OF REQUIREMENTS.—The requirements under subparagraphs (B) and (C) shall not apply until the guidelines required under paragraph (2)(B) have been promulgated.

“(E) REUSE OF UNEXPENDED GRANT FUNDS.—Notwithstanding subparagraph (C), amounts awarded as a grant under this subsection that are not expended by the grantee shall remain available to the Administrator for use for grants under this subsection.

“(F) ADMINISTRATIVE COSTS.—Not more than 3 percent of amounts made available to carry out this subsection may be used for the necessary costs of grant administration.

“(7) ELIGIBLE USES OF GRANT FUNDS.—An eligible institution receiving a grant under this subsection—

“(A) shall carry out activities that are identified as priorities for the purpose of developing, offering, or improving educational or career training programs for the United States maritime industry workforce;

“(B) shall provide training to upgrade the skills of the United States maritime industry workforce, including training to acquire covered requirements as well as technical skills training for jobs in the United States maritime industry; and

“(C) may use the grant funds to—

“(i) admit additional students to maritime training programs;

“(ii) develop, establish, and annually update viable training capacity, courses and mechanisms to rapidly upgrade skills and perform assessments of merchant mariners during time of war or national emergency and to increase credentials for domestic or defense needs where training can decrease the gap in the numbers of qualified mariners for seafair;

“(iii) provide services to upgrade the skills of United States offshore wind marine service workers who transport, install, operate, or maintain offshore wind components and turbines, including training, curriculum, and career pathway development, on-the-job training, safety, and health training, and classroom training;

“(iv) expand existing or create new maritime training programs, including through partnerships and memoranda of understanding with 4-year institutions of higher education, labor organizations, apprenticeships with the United States maritime industry, or with 1 or more employers in the maritime industry;

“(v) create new maritime career pathways;

“(vi) expand existing or create new training programs for transitioning military veterans to careers in the United States maritime industry;

“(vii) expand existing or create new training programs that address the needs of individuals with a barrier to employment, as determined by the Secretary in consultation with the Secretary of Labor, in the United States maritime industry;

“(viii) purchase, construct, develop, expand, or improve training facilities, build-

ings, and equipment to deliver maritime training programs;

“(ix) recruit and train additional faculty to expand the maritime training programs offered by the eligible institution;

“(x) provide financial assistance through scholarships or tuition waivers, not to exceed the applicable tuition expenses associated with the covered programs;

“(xi) promote the use of distance learning that enables students to take courses through the use of teleconferencing, the Internet, and other media technology;

“(xii) assist in providing services to address maritime workforce recruitment and training of youth residing in targeted high-poverty areas within empowerment zones and enterprise communities;

“(xiii) implement partnerships with national and regional organizations with special expertise in developing, organizing, and administering maritime workforce recruitment and training services;

“(xiv) carry out customized training in conjunction with an existing registered apprenticeship program or pre-apprenticeship program, paid internship, or joint labor-management partnership;

“(xv) carry out customized training in conjunction with an existing registered apprenticeship program or pre-apprenticeship program, paid internship, or joint labor-management partnership;

“(xvi) design, develop, and test an array of approaches to providing recruitment, training, or retention services, to enhance diversity, equity and inclusion in the United States maritime industry workforce;

“(xvii) in conjunction with employers, organized labor, other groups (such as community coalitions), and Federal, State, or local agencies, design, develop, and test various training approaches in order to determine effective practices; or

“(xviii) assist in the development and replication of effective service delivery strategies for the United States maritime industry as a whole.

“(8) PUBLIC REPORT.—Not later than December 15 in each of the calendar years 2023 through 2025, the Administrator shall make available on a publicly available website a report and provide a briefing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

“(A) describing each grant awarded under this subsection during the preceding fiscal year;

“(B) assessing the impact of each award of a grant under this subsection in a fiscal year preceding the fiscal year referred to in subparagraph (A) on workers receiving training; and

“(C) describing the performance of the grant awarded with respect to the indicators of performance under section 116(b)(2)(A)(i) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3141(b)(2)(A)(i)).

“(9) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$60,000,000 for each of the fiscal years 2022 through 2026.”

SEC. 3517. PREPARING THE MARITIME WORKFORCE FOR LOW AND ZERO EMISSION VESSELS.

(a) DEVELOPMENT OF STRATEGY.—The Secretary of Transportation, in consultation with the United States Merchant Marine Academy, State maritime academies, and civilian nautical schools and the Secretary of the department in which Coast Guard is operating, shall develop a strategy to ensure there is an adequate supply of trained United States citizen mariners sufficient to meet the operational requirements of low and zero emission vessels.

(b) REPORT.—Not later than 6 months after the date the Secretary of Transportation determines that there is commercially viable technology for low and zero emission vessels, the Secretary of Transportation shall—

(1) submit a report on the strategy developed under subsection (a) and plans for its implementation to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(2) make such report publicly available.

SEC. 3518. NAVAL TECHNOLOGY TRANSFER FOR QUIETING FEDERAL NON-COMBATANT VESSELS.

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Administrator of the National Oceanic and Atmospheric Administration, the Administrator of the Maritime Administration, and the Secretary of the department in which the Coast Guard is operating, shall, not later than 18 months after the date of enactment of this Act, submit a report to the committees identified under subsection (b) and publish an unclassified report—

(1) identifying existing, at the time of submission, non-classified naval technologies that reduce underwater noise; and

(2) evaluating the effectiveness and feasibility of incorporating such technologies in the design, procurement, and construction of non-combatant vessels of the United States.

(b) COMMITTEES.—The report under subsection (a) shall be submitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Defense for carrying out this section, \$100,000 for fiscal year 2022, to remain available until expended.

SEC. 3519. STUDY EXAMINING THE IMPACT OF STORMWATER RUNOFF AND TIRES NEAR PORTS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator of the National Oceanic and Atmospheric Administration, in concert with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall commence a study that—

(1) examines the existing science on tire-related chemicals in stormwater runoff at ports and associated transportation infrastructure and the impacts of such chemicals on Pacific salmon and steelhead;

(2) examines the challenges of studying tire-related chemicals in stormwater runoff at ports and associated transportation infrastructure and the impacts of such chemicals on Pacific salmon and steelhead;

(3) provides recommendations for improving monitoring of stormwater and research related to run-off for tire-related chemicals and the impacts of such chemicals on Pacific salmon and steelhead at ports and associated transportation infrastructure near ports; and

(4) provides recommendations based on the best available science on relevant management approaches at ports and associated transportation infrastructure under their respective jurisdictions.

(b) SUBMISSION OF STUDY.—Not later than 18 months after commencing the study under subsection (a), the Administrator of the National Oceanic and Atmospheric Administration, in concert with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall—

(1) submit the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of

Representatives, including detailing any findings from the study; and

(2) make such study publicly available.

SEC. 3520. STRATEGIC SEAPORTS.

Section 50302(c)(6) of title 46, United States Code, is amended by adding at the end the following:

“(C) INFRASTRUCTURE IMPROVEMENTS IDENTIFIED IN THE REPORT ON STRATEGIC SEAPORTS.—In selecting projects described in paragraph (3) for funding under this subsection, the secretary shall consider infrastructure improvements identified in the report on strategic seaports required by section 3515 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 133 Stat. 1985) that would improve the commercial operations of those seaports.”.

SEC. 3521. IMPROVING PROTECTIONS FOR MIDSHPMEN ACT.

(a) SHORT TITLE.—This section may be cited as the “Improving Protections for Midshipmen Act”.

(b) SUSPENSION OR REVOCATION OF MERCHANT MARINER CREDENTIALS FOR PERPETRATORS OF SEXUAL HARASSMENT OR SEXUAL ASSAULT.—

(1) IN GENERAL.—Chapter 77 of title 46, United States Code, is amended by inserting after section 7704 the following:

“SEC. 7704a. SEXUAL HARASSMENT OR SEXUAL ASSAULT AS GROUNDS FOR SUSPENSION OR REVOCATION.

“(a) SEXUAL HARASSMENT.—If it is shown at a hearing under this chapter that a holder of a license, certificate of registry, or merchant mariner’s document issued under this part within 10 years before the beginning of the suspension and revocation proceedings, is the subject of a substantiated claim of sexual harassment, then the license, certificate of registry, or merchant mariner’s document shall be suspended or revoked.

“(b) SEXUAL ASSAULT.—If it is shown at a hearing under this chapter that a holder of a license, certificate of registry, or merchant mariner’s document issued under this part within 20 years before the beginning of the suspension and revocation proceedings, is the subject of a substantiated claim of sexual assault, then the license, certificate of registry, or merchant mariner’s document shall be revoked.

“(c) SUBSTANTIATED CLAIM.—

“(1) IN GENERAL.—The term ‘substantiated claim’ means—

“(A) a finding by any administrative or legal proceeding that the individual committed sexual harassment or sexual assault in violation of any Federal, State, local or Tribal law or regulation; or

“(B) a determination after an investigation by the Coast Guard that it is more likely than not the individual committed sexual harassment or sexual assault as defined in subsection (c).

“(2) INVESTIGATION BY THE COAST GUARD.—An investigation by the Coast Guard under paragraph (1)(B) shall include evaluation of the following materials that shall be provided to the Coast Guard:

“(A) Any inquiry or determination made by the employer as to whether the individual committed sexual harassment or sexual assault.

“(B) Upon request, from an employer or former employer of the individual, any investigative materials, documents, records, or files in its possession that are related to the claim of sexual harassment or sexual assault by the individual.

“(d) DEFINITIONS.—

“(1) SEXUAL HARASSMENT.—The term ‘sexual harassment’ means any of the following:

“(A) Conduct that—

“(i) involves unwelcome sexual advances, requests for sexual favors, or deliberate or

repeated offensive comments or gestures of a sexual nature when—

“(I) submission to such conduct is made either explicitly or implicitly a term or condition of a person’s job, pay, or career;

“(II) submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person;

“(III) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creates an intimidating, hostile, or offensive working environment; or

“(IV) conduct may have been by a person’s supervisor, a supervisor in another area, a co-worker, or another credentialed mariner; and

“(ii) is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile or offensive.

“(B) Any use or condonation, by any person in a supervisory or command position, of any form of sexual behavior to control, influence, or affect the career, pay, or job of a subordinate.

“(C) Any deliberate or repeated unwelcome verbal comment or gesture of a sexual nature by any fellow employee of the complainant.

“(2) SEXUAL ASSAULT.—The term ‘sexual assault’ means any form of abuse or contact as defined in chapter 109A of title 18, United States Code.

“(e) REGULATIONS.—The Secretary of the department in which the Coast Guard is operating may issue further regulations as necessary to update the definitions in this section, consistent with descriptions of sexual harassment and sexual assault addressed in title 10 and title 18, United States Code, and any other relevant Federal laws, to implement subsection (a) of this section.”.

(2) CLERICAL AMENDMENT.—The table of sections of chapter 77 of title 46, United States Code, is amended by inserting after the item relating to section 7704 the following:

“7704a. Sexual harassment or sexual assault as grounds for suspension or revocation.”.

(c) SUPPORTING THE UNITED STATES MERCHANT MARINE ACADEMY.—

(1) IN GENERAL.—Chapter 513 of title 46, United States Code, is amended by adding at the end the following:

“SEC. 51323. SEXUAL ASSAULT AND SEXUAL HARASSMENT PREVENTION INFORMATION MANAGEMENT SYSTEM.

“(a) INFORMATION MANAGEMENT SYSTEM.—

“(1) IN GENERAL.—Not later than January 1, 2023, the Maritime Administrator shall establish an information management system to track and maintain, in such a manner that patterns can be reasonably identified, information regarding claims and incidents involving cadets that are reportable pursuant to subsection (d) of section 51318 of this chapter.

“(2) INFORMATION MAINTAINED IN THE SYSTEM.—Information maintained in the system shall include the following information, to the extent that information is available:

“(A) The overall number of sexual assault or sexual harassment incidents per fiscal year.

“(B) The location of each such incident, including vessel name and the name of the company operating the vessel, if applicable.

“(C) The names and ranks of the individuals involved in each such incident.

“(D) The general nature of each such incident, to include copies of any associated reports completed on the incidents.

“(E) The type of inquiry made into each such incident.

“(F) A determination as to whether each such incident is substantiated.

“(G) Any informal and formal accountability measures taken for misconduct related to the incident, including decisions on whether to prosecute the case.

“(3) PAST INFORMATION INCLUDED.—The information management system under this section shall include the relevant data listed in this subsection related to sexual assault and sexual harassment that the Maritime Administrator possesses, and shall not be limited to data collected after January 1, 2023.

“(4) PRIVACY PROTECTIONS.—The Maritime Administrator and the Department of Transportation Chief Information Officer shall coordinate to ensure that the information management system under this section shall be established and maintained in a secure fashion to ensure the protection of the privacy of any individuals whose information is entered in such system.

“(5) CYBERSECURITY AUDIT.—Ninety days after the implementation of the information management system, the Office of Inspector General of the Department of Transportation shall commence an audit of the cybersecurity of the system and shall submit a report containing the results of that audit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

“(b) SEA YEAR PROGRAM.—The Maritime Administrator shall provide for the establishment of in-person and virtual confidential exit interviews, to be conducted by personnel who are not involved in the assignment of the midshipmen to a Sea Year vessel, for midshipmen from the Academy upon completion of Sea Year and following completion by the midshipmen of the survey under section 51322(d).

“SEC. 51324. STUDENT ADVISORY BOARD AT THE UNITED STATES MERCHANT MARINE ACADEMY.

“(a) IN GENERAL.—The Administrator of the Maritime Administration shall establish at the United States Merchant Marine Academy an advisory board to be known as the Advisory Board to the Secretary of Transportation (referred to in this section as the ‘Advisory Board’).

“(b) MEMBERSHIP.—The Advisory Board shall be composed of not fewer than 12 midshipmen of the Merchant Marine Academy who are enrolled at the Merchant Marine Academy at the time of the appointment, including not fewer than 3 cadets from each class.

“(c) APPOINTMENT; TERM.—Midshipmen shall serve on the Advisory Board pursuant to appointment by the Administrator of the Maritime Administration. Appointments shall be made not later than 60 days after the date of the swearing in of a new class of midshipmen at the Academy. The term of membership of a midshipmen on the Advisory Board shall be 1 academic year.

“(d) REAPPOINTMENT.—The Administrator of the Maritime Administration may reappoint not more than 6 cadets from the previous term to serve on the Advisory Board for an additional academic year if the Administrator determines such reappointment to be in the best interests of the Merchant Marine Academy.

“(e) MEETINGS.—The Advisory Board shall meet with the Secretary of Transportation at least once each academic year to discuss the activities of the Advisory Board. The Advisory Board shall meet in person with the Administrator of the Maritime Administration not less than 2 times each academic year to discuss the activities of the Advisory Board.

“(f) DUTIES.—The Advisory Board shall—

“(1) identify health and wellbeing, diversity, and sexual assault and harassment challenges and other topics considered important by the Advisory Board facing midshipmen both at the Merchant Marine Academy, off campus, and while aboard ships during Sea Year or other training opportunities;

“(2) discuss and propose possible solutions, including improvements to culture and leadership development at the Merchant Marine Academy; and

“(3) periodically, review the efficacy of the program in section 51323(b), as appropriate, and provide recommendations to the Maritime Administrator for improvement.

“(g) WORKING GROUPS.—The Advisory Board may establish one or more working groups to assist the Advisory Board in carrying out its duties, including working groups composed in part of midshipmen at the Merchant Marine Academy who are not current members of the Advisory Board.

“(h) REPORTS AND BRIEFINGS.—The Advisory Board shall regularly provide the Secretary of Transportation and the Administrator of the Maritime Administration reports and briefings on the results of its duties, including recommendations for actions to be taken in light of such results. Such reports and briefings may be provided in writing, in person, or both.

“SEC. 51325. SEXUAL ASSAULT ADVISORY COUNCIL.

“(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a Sexual Assault Advisory Council (in this section referred to as the ‘Council’).

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—The Council shall be composed of not fewer than 8 and not more than 14 individuals selected by the Secretary of Transportation who are alumni that have graduated within the last 4 years or current midshipmen of the United States Merchant Marine Academy (including midshipmen or alumni who were victims of sexual assault and midshipmen or alumni who were not victims of sexual assault) and governmental and nongovernmental experts and professionals in the sexual assault field.

“(2) EXPERTS INCLUDED.—The Council shall include—

“(A) not less than 1 member who is licensed in the field of mental health and has prior experience working as a counselor or therapist providing mental health care to survivors of sexual assault in a victim services agency or organization; and

“(B) not less than 1 member who has prior experience developing or implementing sexual assault or sexual assault prevention and response policies in an academic setting.

“(3) RULES REGARDING MEMBERSHIP.—No employee of the Department of Transportation shall be a member of the Council. The number of governmental experts appointed to the Council shall not exceed the number of nongovernmental experts.

“(c) DUTIES; AUTHORIZED ACTIVITIES.—

“(1) IN GENERAL.—The Council shall meet not less often than semi-annually to—

“(A) review—

“(i) the policies on sexual harassment, dating violence, domestic violence, sexual assault, and stalking under section 51318 of this title; and

“(ii) related matters the Council views as appropriate; and

“(B) develop recommendations designed to ensure that such policies and such matters conform, to the extent practicable, to best practices in the field of sexual assault and sexual harassment response and prevention.

“(2) AUTHORIZED ACTIVITIES.—To carry out this subsection, the Council may—

“(A) conduct case reviews, as appropriate and only with the consent of the victim of sexual assault or harassment;

“(B) interview current and former midshipmen of the United States Merchant Marine Academy (to the extent that such midshipmen provide the Department of Transportation express consent to be interviewed by the Council); and

“(C) review—

“(i) exit interviews under section 51323(b) and surveys under section 51322(d);

“(ii) data collected from restricted reporting; and

“(iii) any other information necessary to conduct such case reviews.

“(3) PERSONALLY IDENTIFIABLE INFORMATION.—In carrying out this subsection, the Council shall comply with the obligations of the Department of Transportation to protect personally identifiable information.

“(d) REPORTS.—On an annual basis for each of the 5 years after the date of enactment of this section, and at the discretion of the Council thereafter, the Council shall submit, to the President and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives, a report on the Council’s findings based on the reviews conducted pursuant to subsection (c) and related recommendations.

“(e) EMPLOYEE STATUS.—Members of the Council shall not be considered employees of the United States Government for any purpose and shall not receive compensation other than reimbursement of travel expenses and per diem allowance in accordance with section 5703 of title 5.

“(f) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.

“SEC. 51326. DIVERSITY AND INCLUSION ACTION PLAN.

“(a) IN GENERAL.—Not later than January 1, 2023, the Maritime Administrator shall issue a Diversity and Inclusion Action Plan for the United States Merchant Marine Academy (referred to in this section as the ‘Plan’) and make the Plan publicly available.

“(b) CONTENTS OF DIVERSITY AND INCLUSION ACTION PLAN; SURVEYS.—

“(1) IN GENERAL.—The Plan shall—

“(A) contain a description of how the United States Merchant Marine Academy will increase recruiting efforts in historically underrepresented communities, including through partnerships with historically Black colleges and universities and maritime centers of excellence designated under section 51706;

“(B) develop and make available resources to—

“(i) establish responsibilities for midshipmen, faculty, and staff of the Academy with respect to diversity and inclusion;

“(ii) create standards of—

“(I) training that require interpersonal dialogue on diversity and inclusion;

“(II) setting behavioral boundaries with others; and

“(III) specific processes for the reporting and documentation of misconduct related to hazing, bullying, hate, and harassment;

“(iii) hold leaders and other individuals at the Academy accountable for violations of such standards;

“(iv) equip midshipmen, faculty, and staff of the Academy with the resources and materials to promote a diverse and inclusive working environment; and

“(v) address how concepts of diversity and inclusion can be integrated into the curriculum and training of the Academy.

“(2) SURVEYS.—The Maritime Administrator shall—

“(A) require a biannual survey of midshipmen, faculty, and staff of the Academy assessing—

“(i) the inclusiveness of the environment of the Academy; and

“(ii) the effectiveness of the Plan; and

“(B) require an annual survey of faculty and staff of the Academy assessing the inclusiveness of the environment of the Sea Year program.”.

(2) REPORT TO CONGRESS.—Not later than 30 days after the date of enactment of this section, the Maritime Administrator shall provide Congress with a briefing on the resources necessary to properly implement this section.

(3) CONFORMING AMENDMENTS.—The chapter analysis for chapter 513 of title 46, United States Code, is amended by adding at the end the following:

“51323. Sexual assault and sexual harassment prevention information management system.

“51324. Student advisory board at the United States Merchant Marine Academy.

“51325. Sexual assault advisory council.

“51326. Diversity and inclusion action plan.”.

(4) UNITED STATES MERCHANT MARINE ACADEMY STUDENT SUPPORT PLAN.—

(A) STUDENT SUPPORT PLAN.—Not later than January 1, 2023, the Maritime Administrator shall issue a Student Support Plan for the United States Merchant Marine Academy, in consultation with relevant mental health professionals in the Federal Government or experienced with the maritime industry or related industries. Such plan shall—

(i) address the mental health resources available to midshipmen, both on-campus and during Sea Year;

(ii) establish a tracking system for suicidal ideations and suicide attempts of midshipmen;

(iii) create an option for midshipmen to obtain assistance from a professional care provider virtually; and

(iv) require an annual survey of faculty and staff assessing the adequacy of mental health resources for midshipmen of the Academy, both on campus and during Sea Year.

(B) REPORT TO CONGRESS.—Not later than 30 days after the date of enactment of this Act, the Maritime Administrator shall provide Congress with a report on the resources necessary to properly implement this paragraph.

(d) SPECIAL VICTIMS ADVISOR.—Section 51319 of title 46, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

“(c) SPECIAL VICTIMS ADVISOR.—

“(1) IN GENERAL.—The Secretary shall designate an attorney (to be known as the ‘Special Victims Advisor’) for the purpose of providing legal assistance to any cadet of the Academy who is the victim of an alleged sex-related offense regarding administrative and criminal proceedings related to such offense, regardless of whether the report of that offense is restricted or unrestricted.

“(2) SPECIAL VICTIMS ADVISORY.—The Secretary shall ensure that the attorney designated as the Special Victims Advisor has knowledge of Uniform Code of Military Justice procedures, as well as criminal and civil law.

“(3) PRIVILEGED COMMUNICATIONS.—Any communications between a victim of an alleged sex-related offense and the Special Victim Advisor, when acting in their capacity as such, shall have the same protection that applicable law provides for confidential attorney-client communications.”; and

(3) by adding at the end the following:

“(e) UNFILLED VACANCIES.—The Administrator of the Maritime Administration may appoint qualified candidates to positions under subsection (a) and (c) of this section without regard to sections 3309 through 3319 of title 5, United States Code.”.

(e) CATCH A SERIAL OFFENDER ASSESSMENT.—

(1) ASSESSMENT.—Not later than one year after the date of enactment of this Act, the Commandant of the Coast Guard, in coordination with the Maritime Administrator, shall conduct an assessment of the feasibility and process necessary, and appropriate responsible entities to establish a program for the United States Merchant Marine Academy and United States Merchant Marine modeled on the Catch a Serial Offender program of the Department of Defense using the information management system required under subsection (a) of section 51323 of title 46, United States Code, and the exit interviews under subsection (b) of such section.

(2) LEGISLATIVE CHANGE PROPOSALS.—If, as a result of the assessment required by paragraph (1), the Commandant or the Administrator determines they need additional authority to implement the program described in paragraph (1), the Commandant or the Administrator, as applicable, shall provide appropriate legislative change proposals to Congress.

(f) SHIPBOARD TRAINING.—Section 51322(a) of title 46, United States Code, is amended by adding at the end the following:

“(3) TRAINING.—

“(A) IN GENERAL.—As part of training that shall be provided not less than semi-annually to all midshipmen of the Academy, pursuant to section 51318, the Maritime Administrator shall develop and implement comprehensive in-person sexual assault risk-reduction and response training that, to the extent practicable, conforms to best practices in the sexual assault prevention and response field and includes appropriate scenario-based training.

“(B) DEVELOPMENT AND CONSULTATION WITH EXPERTS.—In developing the sexual assault risk-reduction and response training under subparagraph (A), the Maritime Administrator shall consult with and incorporate, as appropriate, the recommendations and views of experts in the sexual assault field.”.

SA 4848. Ms. CORTEZ MASTO (for herself and Mrs. FISCHER) submitted an amendment intended to be proposed to amendment SA 3867 proposed by Mr. REED to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ PROMOTING PRIVACY ENHANCING TECHNOLOGIES.

(a) DEFINITION OF PRIVACY ENHANCING TECHNOLOGY.—In this section the term “privacy enhancing technology” means any software solution, technical processes, or other technological means of protecting an individual’s privacy and the confidentiality of data, which may include—

(1) anonymization and pseudonymization techniques, filtering tools, anti-tracking technology, differential privacy tools, synthetic data generation tools, cryptographic techniques (such as secure multi-party computation and homomorphic encryption), and systems for federated learning; and

(2) any other software solution, technical processes, or other technological means that the Director of the National Science Foundation, in consultation with the Director of the National Institute of Standards and Technology outside experts, determines to be a technology that enhances privacy.

(b) NATIONAL SCIENCE FOUNDATION SUPPORT OF RESEARCH ON PRIVACY ENHANCING TECHNOLOGY.—The Director of the National Science Foundation, in consultation with other relevant Federal agencies (as determined by the Director), shall support merit-reviewed and competitively awarded research on privacy enhancing technologies, which may include—

(1) fundamental research on technologies for de-identification, pseudonymization, anonymization, or obfuscation to protect individuals’ privacy in data sets;

(2) fundamental research on algorithms, machine learning, and other similar mathematical tools used to protect individual privacy when collecting, storing, sharing, aggregating, or analyzing data;

(3) fundamental research on technologies that promote data minimization principles in data collection, sharing, transfers, retention, and analytics;

(4) research awards on privacy enhancing technologies coordinated with other relevant Federal agencies and programs;

(5) research on barriers to, and opportunities for, the adoption of privacy enhancing technologies, including studies on effective business models for privacy enhancing technologies; and

(6) international cooperative research, awards, challenges, and pilot projects on privacy enhancing technologies with key United States allies and partners.

(c) INTEGRATION INTO THE COMPUTER AND NETWORK SECURITY PROGRAM.—Subparagraph (D) of section 4(a)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7403(a)(1)(D)) is amended to read as follows:

“(D) privacy enhancing technologies and confidentiality.”.

(d) COORDINATION WITH THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY AND OTHER STAKEHOLDERS.—

(1) IN GENERAL.—The Director of the Office of Science and Technology Policy, acting through the Networking and Information Technology Research and Development Program, shall coordinate with the Director of the National Science Foundation, the Director of the National Institute of Standards and Technology, and the Federal Trade Commission to accelerate the development and use of privacy enhancing technologies.

(2) OUTREACH.—The Director of the National Institute of Standards and Technology shall conduct outreach to—

(A) receive input from private, public, and academic stakeholders on the development and potential uses of privacy enhancing technologies, including the National Institutes of Health and the Centers for Disease Control and Prevention regarding specific applications in public health research; and

(B) develop ongoing public and private sector engagement to create and disseminate voluntary, consensus-based resources to increase the integration of privacy enhancing technologies in data collection, sharing, transfers, retention, and analytics by the public and private sectors.

(e) REPORT ON PRIVACY ENHANCING TECHNOLOGY RESEARCH.—Not later than 3 years after the date of enactment of this Act, the Director of the Office of Science and Technology Policy, acting through the Networking and Information Technology Research and Development Program, shall, in coordination with the Director of the National Science Foundation, the Director of the National Institute of Standards and